

Dangerous Dog

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8.18.010 Purpose.

The purpose of this chapter is to implement the provisions of Chapter 16.08 RCW. (Sec. 12 of Ord. 1987-11-37)

8.18.020 Definitions.

In addition to the definitions set forth in Section 8.01.020, as used in this title:

1. "Dangerous dog" means any dog that, when unprovoked:
 - a. Inflicts severe injury on a human being without provocation on public or private property; or
 - b. Kills a domestic animal or livestock without provocation while off the owner's property; or
 - c. Has been previously found to be potentially dangerous and the owner having received notice of such and the dog again aggressively bites, attacks or endangers the safety of humans or domestic animals or livestock.
2. "Potentially dangerous dog" means any dog that, when unprovoked:
 - . Inflicts bites on a human, domestic animal or livestock either on public or private property; or
 - a. Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency or disposition to attack unprovoked, or to cause injury or otherwise to threaten the safety of humans or domestic animals.
3. "Proper enclosure of a dangerous dog" means, while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.
4. "Provocation" includes, but is not limited to situations where threat, injury, or damage is sustained by a person who, at the time, was committing a wilful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.
5. "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery. (Sec. 13 of Ord. 1987-11-37; amended by Sec. 20 of Ord. 1993-08-13A)

8.18.030 License required.

It is unlawful for any owner of a dog declared by the animal control department to be dangerous to keep such dog within the county unless such owner has procured a special license from the animal control department. The special license shall be obtained within five (5) working days following the service of such department declaration or, if the declaration is timely appealed pursuant to Section 8.18.040, within seven (7) working days following the mailing of a decision affirming such determination; PROVIDED, that the director of the animal control department may

grant an extension upon a showing of good cause. (Sec. 14 of Ord. 1987-11-37)

8.18.040 Determination.

1. The animal control department may find and declare an animal potentially dangerous or dangerous if it has probable cause to believe that the dog falls within the definitions set forth in Section 8.18.020. The finding must be based upon:
 - a. The written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definition in Section 8.18.020; or
 - b. Dog bite reports filed with the animal control department as required by the ordinance codified in this chapter or state law; or
 - c. Actions of the dog witnessed by any animal control officer or law enforcement officer; or
 - d. The designation by another animal control authority pursuant to Chapter 16.08 RCW; or
 - e. Other substantial evidence.
2. The declaration of potentially dangerous or dangerous dog shall be in writing and shall be served on the owner in one of the following methods:
 - . Certified mail to the owner or keeper's last known address, if known; or
 - a. Personally; or
 - b. If the owner cannot be located by one of the first two (2) methods, by publication in a newspaper of general circulation.
3. The declaration shall state at least:
 - . A description of the dog;
 - a. The name and address of the owner or keeper of the dog, if known;
 - b. The whereabouts of the animal if it is not in the custody of the owner;
 - c. The facts upon which the declaration is based;
 - d. The availability of a hearing in case the owner objects to the declaration, if a request is made within five (5) days;
 - e. The restrictions placed on the animal as a result of the declaration;
 - f. The penalties for violation of the restrictions, including the possibility of destruction of the animal, and imprisonment or fining of the owner.
4. If the owner of the dog wishes to object to the declaration of potentially dangerous or dangerous dog:
 - . The owner may, within five (5) working days of receipt of the declaration, or within five (5) working days of the publication of the declaration, request a hearing by submitting a written appeal to the animal control department.
 - a. If the hearing body finds that there is insufficient evidence to support the declaration, it shall be rescinded, and the restrictions imposed thereby annulled.
 - b. If the hearing body finds sufficient evidence to support the declaration, it may impose additional restrictions on the animal.
5. Following service of a declaration, and pending appeals under this section, the animal control department may, if circumstances require, impound the dog at the owner's expense, pursuant to the provisions of this title. (Sec. 15 of Ord. 1987-11-37)

8.18.050 License fees.

1. The initial license fee for a dangerous dog shall be three hundred dollars (\$300). The annual renewal fee shall be one hundred dollars (\$100).
2. The foregoing fees shall be in lieu of the licensing fees otherwise applicable under Chapter 8.07 of this code. (Sec. 16 of Ord. 1987-11-37)

8.18.060 Dangerous dogs - Additional requirements.

1. The animal control department shall issue a license to the owner of a dangerous dog only if the owner presents to the animal control department sufficient evidence of:
 - a. A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog; and
 - b. A surety bond issued by a surety insurer qualified under Chapter 48.28 RCW in a form acceptable to the animal control department in the sum of at least fifty thousand dollars (\$50,000), payable to any person injured by the dangerous dog; or
 - c. A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under Title 48 RCW in the amount of at least fifty thousand dollars (\$50,000), insuring the owner for any personal injuries inflicted by the dangerous dog.
2. The owner of a dangerous dog shall not permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal. (Sec. 17 of Ord. 1987-11-37)

8.18.070 Penalties.

Notwithstanding the provisions of this code, and in addition to the penalties prescribed therein:

1. Any dangerous dog may be immediately confiscated if:
 - a. The dog is not validly licensed under Section 8.18.030 of this chapter;
 - b. The owner does not secure and maintain the liability insurance coverage required under Section 8.18.060;
 - c. The dog is not maintained in a proper enclosure;
 - d. The dog is outside of the dwelling of the owner, or outside of the property enclosure and not under physical restraint of the responsible person.In addition, the owner shall be guilty of a gross misdemeanor pursuant to Chapter 16.08 RCW. The owner of any dog confiscated under this subsection may recover such dog from the animal control department upon the payment of a civil fine which shall be in the amount of two hundred fifty dollars (\$250) plus ten dollars (\$10) per day for each day said dog has been in the control of the animal control department; PROVIDED, HOWEVER, that in the event the owner has not picked up the dangerous dog within ten (10) days of being notified by the animal control department that such dog is under the control of such department, the dog shall be destroyed in an expeditious and humane manner.
2. If a dangerous dog of an owner with a prior conviction under this chapter attacks or bites a person or domestic animal, the dog's owner is guilty of a Class C felony, pursuant to Chapter 16.08 RCW. In addition, the dangerous dog shall be immediately confiscated by an animal control officer, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.
3. The owner of any dog that aggressively attacks and causes severe injury or death of any human, regardless of whether there has been any previous determination of whether such dog is potentially dangerous or dangerous, shall be guilty of a Class C felony pursuant to Chapter 16.08 RCW. In addition, the dog shall be immediately confiscated by an animal control officer, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.
4. The foregoing provisions for humane destruction of dogs shall be subject to the appeal process of Section 8.19.080; PROVIDED, that a written appeal is filed with the animal control department within five (5) days of the impoundment. (Sec. 18 of Ord. 1987-11-37; amended by Sec. 21 of Ord. 1993-08-13A)